

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

OP.No. 34054 of 2002(D)

PETITIONER:

C.AIYAPPAN, ADVOCATE,
ADDL. GOVT.PLEADER AND PUBLIC PROSECUTOR,
PUKKATTU HOUSE, KIZHAKKEPPURAM, N.PARUR-683513

BY ADV. SRI.G.PRABHAKARAN
SRI.P.SANTHOSH KUMAR (TR)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM
2. LAW SECRETARY, STATE OF KERALA,
THIRUVANANTHAPURAM
3. THE DISTRICT COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER, SMT.SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

THE WRIT PETITION IS DISMISSED FOR DEFAULT.

18.7.07. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE
ORDER ON C.M.P. NO.57554 OF 2002 IN O.P.No. 34054 OF 2002
DISMISSED

18.7.07. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

/TRUE COPY/

P.A. TO JUDGE

JP

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.34054 of 2002-D

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Dated this the 24th day of September, 2007.

JUDGMENT

1.The petitioner was appointed as Additional Government Pleader and Additional Public Prosecutor in terms of Exts.P1 and P2. Among other things, he contends that the remuneration due to him on the basis of such appointments is yet to be released.

2.Certain other issues raised in relation to appointments as the office of the Government Pleader, as also the Public Prosecutor are not being entertained because, with the passage of time, apart from Ext.P3 judgment, recruitment of Public Prosecutors and Government Pleaders has also

come under the scanner of this Court and certain matters are pending before the Apex Court. That apart, the immediate surge of the submissions on behalf of the petitioner is confined to the claim for unpaid remuneration.

3. While it is pleaded in paragraph 2 of the writ petition that the petitioner was entitled to certain amounts which were the maximum remuneration available for the different slots during which he worked in terms of Exts.P1 and P2, the first requirement to conclude as to whether any amount is due to the petitioner is to decide as to the total remuneration which the petitioner would have earned by the work contributed by him which has to be pegged at the maximum outer limit fixed by the Government for those years in terms of the conditions of service, duties, remuneration etc. that were binding on the petitioner in terms of Exts.P1 and P2.

Under the aforesaid circumstances, while concluding on other issues against the petitioner, this writ petition is disposed of directing that the Law Secretary will take up any representation that the petitioner may file and consider whether any outstanding amounts are due to the petitioner from the Government in terms of his appointment as per Exts.P1 and P2. This shall be done within an outer limit of four months from the date of receipt of a copy of this judgment and a representation as aforesaid, whichever is later.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-

OP34054/2002

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.34054 of 2002-D

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JUDGMENT

Dated: 24th September, 2007.